

IN THE SUPREME COURT OF THE STATE OF NEVADA

LINDA GOODHOPE,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
CHARLES J. HOSKIN, DISTRICT
JUDGE,
Respondents,
and
WILLIAM GOODHOPE,
Real Party in Interest.

No. 60952

FILED

SEP 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

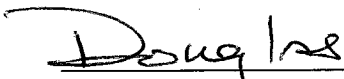
This original petition for a writ of mandamus or prohibition challenges a district court order reopening discovery after entry of a divorce decree.


A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is typically not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; International Game Tech., 124 Nev. at 197, 179 P.3d at 558.

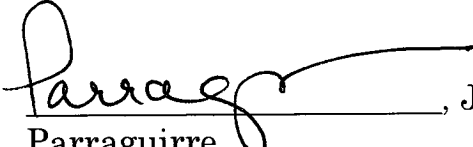
Generally, an appeal is an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Here, petitioner seeks to challenge district court post-divorce decree orders reopening discovery for the limited purpose of determining whether petitioner's retirement accounts are community property that should have been divided by the parties' divorce decree, denying petitioner's motion to compel discovery as to waste, and awarding real party in interest \$500 in attorney fees. Once the district court determines whether the retirement accounts are community property and enters an order pursuant to that determination, it appears that any such order entered by the court would be substantively appealable as a special order entered after final judgment. See NRAP 3A(b)(8); see also Burton v. Burton, 99 Nev. 698, 700, 669 P.2d 703, 705 (1983) (explaining that an order that affects the rights of the parties arising from the final judgment is generally appealable as a special order after final judgment). Thus, to the extent that she is aggrieved by the district court's orders, petitioner will have an adequate legal remedy in the form of an appeal. See Pan, 120 Nev. at 224, 88 P.3d at 841. Accordingly, we decline to exercise our discretion to consider this petition, see NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851 (explaining that the decision to issue writ relief is discretionary with this court), and we

ORDER the petition DENIED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Charles J. Hoskin, District Judge, Family Court Division
Stovall & Associates
Alan R. Harter
Eighth District Court Clerk